UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,917	02/13/2001	John Ditner	CISCP224/3429/08-887078US	3194

22434   7590   12/19/2003

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER
BONURA, TIMOTHY M

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/782,917	DITNER ET AL.
	Examiner	Art Unit	
	Tim Bonura	2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,6,7,11-13,15,16,22,24 and 25* is/are rejected.

7)☒ Claim(s) *3-5,8-10,14,17-21 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4*.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities: On the first line first is

misspelled as "fist". Appropriate correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2.   Claims 1-2, 6-7, 11-13, 15-16, 22, 24, and 25 are rejected under 35 U.S.C. 102(e) as

being anticipated by Dempsey, et al, U.S. Patent Number 6,169,726.

3.   Regarding claim 1:

       a.   Regarding the limitation of "two monitors, each monitor being connected to and

              associated with a controller, wherein the two monitors are capable of receiving status

signals from the controller with which they are associated," Dempsey disclose a system

with two controllers which operate in redundant active/standby mode. (Lines 37-40 of

Column 3, Figure 1, items 20 and 30). The processors within the controllers (Figure 1,

items 22 and 32) can send/receive a WAKEUP signal from the other controller pair if

stoppage of one controller occurs. (Lines 29-31 of Column 4).

b.   Regarding the limitation of "two communications links between the two monitors

for exchanging status signals associated with the status of the controller with which the

monitors are associated," Dempsey discloses a system with two controllers that have to

communications links. (Lines 13-16 of Column 3, Figure 1 items 40 and 42).

c.   Regarding the limitation of "two triggers, each trigger connected to and associated

with a controller, each mono-stable trigger further connected to the monitor associated

with each controller, wherein the triggers provide a signal for the controller with which it

is associated." Dempsey discloses a system with two controllers that have two processors

within them. The processors within the controllers (Figure 1, items 22 and 32) can

send/receive a WAKEUP signal, which are triggers to activate that other controller, from

the other controller pair if stoppage of one controller occurs. (Lines 29-31 of Column 4).

4.   Regarding claim 2, Dempsey discloses a system with means of setting one controller

active and one to standby. This setting is sent to an AIU and stored for use. (Lines 52-58 of

Column 3).

5.   Regarding claim 6:

d.   Regarding the limitation of "a first controller, the first controller operating as an

active controller," Dempsey discloses controller A (Figure 1 item, 20) that can be set

active. (Lines 39-41 of Column 3).

e.   Regarding the limitation of "a second controller, the second controller operating

as a standby controller, wherein the second controller is capable of assuming the

operation performed by the first controller, the first and second controller forming a pair

of redundant controllers," Dempsey discloses a controller B (Figure 1 item 30) that can

be set to a standby state. (Lines 39-41 of Column 3). The second controller can assume

the active state. (Lines 44-46 of Column 3). The controllers are a redundant pair. (Lines

38-39 of Column 3).

f.   Regarding the limitation of "a first logic device connected to and associated with

the first controller, wherein the first logic device is suitable to receive status signals from

the first controller," The processors within the controllers (Figure 1, items 22 and 32) can

send/receive a WAKEUP signal, which are triggers to activate that other controller, from

the other controller pair if stoppage of one controller occurs. (Lines 29-31 of Column 4).

g.   Regarding the limitation of "a second logic device connected to and associated

with the second controller, wherein the second logic device is suitable to receive status

signals from the second controller," The processors within the controllers (Figure 1, items

22 and 32) can send/receive a WAKEUP signal, which are triggers to activate that other

controller, from the other controller pair if stoppage of one controller occurs. (Lines 29-

31 of Column 4).

h.   Regarding the limitation of "two triggering means, each triggering connected to

and associated with a controller, the triggering means further connected with which the

triggering means is associated, the triggering means providing a signal to the controller,"

Dempsey discloses a system with two controllers that have two processors within them.

The processors within the controllers (Figure 1, items 22 and 32) can send/receive a

WAKEUP signal, which are triggers to activate that other controller, from the other

controller pair if stoppage of one controller occurs. (Lines 29-31 of Column 4).

i.   Regarding the limitation of "two communications links providing for

communications between the first and second logic devices." Dempsey discloses a

system with two controllers that have to communications links. (Lines 13-16 of Column

3, Figure 1 items 40 and 42).

6.   Regarding claim 7, Dempsey discloses a system with means of setting one controller

active and one to standby. This setting is sent to an AIU and stored for use. (Lines 52-58 of

Column 3).

7.   Regarding claim 11, Dempsey discloses that the processor's can produce a WAKEUP

signal. (Lines 29-31 of Column 4). Applicant describes a "mono-stable trigger" as a "one shot"

(page 8 line 15 of spec). The WAKEUP signal is the one and only signal sent between

controllers to trigger a change in active to standby.

8.   Regarding claim 12, Dempsey's controller is within a main controller (Figure 1 item 12)

and a computer system. (Figure 1, item 10). (Lines 4-8 of Column 3).

9.   Regarding claim 13, Dempsey discloses the WAKEUP signal is sent over a conductor.

(Lines 29-31 of Column 4).

10.   Regarding claim 15:

j.   Regarding the limitation of "an active state wherein the active controller resides in

the active state when the redundant controllers are not arbitrating to determine the active

controller," Dempsey discloses a system that has an active controller that runs processes

with a standby controller not running processes. (Lines 41-42 of Column 3).

k.   Regarding the limitation of "a standby state therein the controller that is not the

active controller resides in the standby state when the controllers not arbitrating to

determine the active controller," Dempsey discloses a system that has an active controller

that runs processes with a standby controller not running processes. (Lines 41-42 of

Column 3).

l.   Regarding the limitation of "a first decision front, the first decision front being

entered when the standby controller forcibly attempts to become the active controller,"

Dempsey discloses a system with an active and standby controller in which the standby

controller can become the active controller after a timeout period. (Lines 65-67 of

Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).

m.   Regarding the limitation of "a second decision front, the second decision front

being entered when the active controller requests to become the standby controller,"

Dempsey discloses a system with an active and standby controller in which the standby

controller can become the active controller after a timeout period. (Lines 65-67 of

Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).

n.   Regarding the limitation of "a third decision front, the third decision front being

entered by the active controller when the active controller is to become the standby

controller," Dempsey discloses a system with an active and standby controller in which

the standby controller can become the active controller after a timeout period. (Lines 65-

67 of Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).

11.   Regarding claim 16, Dempsey discloses a system wherein a period of time is waited

between the switches of the active controller from A to B or B to A. (Lines 31-35 of Column 4).

12.   Regarding claim 22:

o.   Regarding the limitation of "setting a parameter low by the standby controller, the

parameter indication that the standby controller is to forcibly become the active

controller," Dempsey discloses a system with an active and standby controller in which

the standby controller can become the active controller after a timeout period. The

response to timeout period is a YES/NO answer. This response indicates to the standby

controller to become active. (Lines 65-67 of Column 4 and Lines 1-3 of Column 5, also

see Figure 2).

p.   Regarding the limitation of "entering a first decision front of a state machine, the

first decision front containing a plurality states," Dempsey discloses a system with an

active and standby controller in which the standby controller can become the active

controller after a timeout period. Figure 2 shows the plurality of states. (Lines 65-67 of

Column 4 and Lines 1-3 and 15-17 of Column 5, also see Figure 2).

q.   Regarding the limitation of "setting a status signal of the standby controller to

indicate it is the active controller," Dempsey discloses a system wherein a standby

controller can be set to be an active controller. (Lines 15-17 of Column 5).

r.   Regarding the limitation of "maintain the status of the standby controller to

indicate it is the active controller throughout the plurality of states in the first decision

front," Dempsey discloses a system wherein an active controller becomes the standby

controller after a timeout period but after the initialization of the change in controllers.

(Lines 65-67 of Column 4 and Lines 1-17 of Column 5, also see Figure 2).

13.   Regarding claim 24:

s.   Regarding the limitation of "setting a status signal of the standby controller high,

indicating the standby controller is to remain the standby controller," Dempsey discloses

a system with an active and standby controller in which the standby controller can

become the active controller after a timeout period. The response to timeout period is a

YES/NO answer. This response indicates to the standby controller to become active.

(Lines 65-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

t.   Regarding the limitation of "monitoring a status signal of the active controller, by

the monitor associated with the standby controller," Dempsey discloses a system where a

main processor designates the state of the active and standby controllers. The main

processor will, upon detection of a WAKEUP signal to switch controllers. (Lines 28-33

and 42-47 of Column 4).

u.   Regarding the limitation of "remaining as the standby controller if the status

signal of the active controller is set low," Dempsey discloses a system with an active and

standby controller in which the standby controller can become the active controller after a

timeout period. The response to timeout period is a YES/NO answer. This response

indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

v.   Regarding the limitation of "setting a status signal of the standby controller high, indicating the standby controller is to remain the standby controller if an identification parameter of the standby controller has a certain value," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

w.   Regarding the limitation of "monitoring a status signal of the active controller, by the monitor associated with the standby controller," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

x.   Regarding the limitation of "remaining, as the standby controller if the status signal of the active controller is set low," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

14.   Regarding claim 25:

y.   Regarding the limitation of "setting a status signal of the active controller low, indicating the active controller is to remain the active controller," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 65-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

z.   Regarding the limitation of "monitoring a status signal of the standby controller, by the monitor associated with the active controller," Dempsey discloses a system where a main processor designates the state of the active and standby controllers. The main processor will, upon detection of a WAKEUP signal to switch controllers. (Lines 28-33 and 42-47 of Column 4).

aa.   Regarding the limitation of "remaining as the active controller if the status signal of the standby controller is set high," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

bb.   Regarding the limitation of "setting a status signal of the active controller high, indicating the active controller is to remain the active controller," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO

answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

cc.   Regarding the limitation of "monitoring a status signal of the active controller, by the monitor associated with the standby controller," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

dd.   Regarding the limitation of "remaining as the active controller if the status signal of the standby controller is set high," Dempsey discloses a system with an active and standby controller in which the standby controller can become the active controller after a timeout period. The response to timeout period is a YES/NO answer. This response indicates to the standby controller to become active. (Lines 52-67 of Column 4 and Lines 1-3 of Column 5, also see Figure 2).

Allowable Subject Matter

15.   Claims 3-5, 8-10, 14, 17-21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Tim Bonura**. The examiner can normally be reached on **Mon-**

Fri: 7:30-5:00, every other Friday off. The examiner can be reached at: **703-305-7762.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Rob Beausoliel** can be reached on **703-305-9713.** The fax phone numbers for the

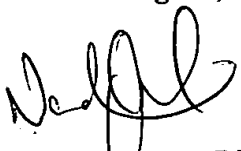organization where this application or proceeding is assigned are:

703-872-9306 for all patent related correspondence by FAX

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the **receptionist** whose telephone number is: **703-305-3900.**

Responses should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

NADEEM IQBAL
PRIMARY EXAMINER

Tim Bonura
Examiner
Art Unit 2184

tmb
December 15, 2003